

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,

Plaintiff/Counter-
Defendant,

v.

ILLUMINA, INC.,

Defendant/Counter-
Plaintiff.

C.A. No. 04-901-JJF

**NOTICE OF DEPOSITION OF ILLUMINA, INC.
PURSUANT TO FED. R. CIV. P. 30(b)(6)**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiff Affymetrix, Inc. ("Affymetrix"), by and through its attorneys, will take the deposition of Illumina, Inc. ("Illumina") by oral examination at the Hilton San Diego Airport/Harbor Island Hotel, 1960 Harbor Island Drive, San Diego, California, 92101. Illumina is directed, pursuant to Federal Rule of Civil Procedure 30(b)(6), to designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf with respect to the matters set forth in Exhibit 1.

The deposition will commence at 9:00 a.m. on January 30, 2006. The deposition will be recorded stenographically, with the capacity to provide instant visual display or playback of the testimony, and by video by an officer authorized to administer oaths. All counsel are invited to attend and examine the witness.

MORRIS, NICHOLS, ARSHT & TUNNELL

/s/ Melissa Stone Myers

Jack B. Blumenfeld (#1014)

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December 22, 2005

EXHIBIT 1

DEFINITIONS

Affymetrix hereby incorporates by reference the Definitions included in Affymetrix, Inc.'s First Set of Requests for Production of Documents, served on February 8, 2005, Affymetrix, Inc.'s Second Set of Requests for Production of Documents, served on March 30, 2005, and Affymetrix, Inc.'s Third Set of Requests for Production of Documents, served on July 20, 2005.

AREAS OF TESTIMONY

1. The design, testing, manufacture, and use of the Infinium™ assay.
2. The design, testing, manufacture, and use of the GoldenGate® assay.
3. The design, testing, manufacture, and use of custom genotyping products and services.
4. The design, testing, manufacture, and use of the Sentrix® Genome-Wide Expression BeadChips
5. The design, testing, manufacture, and use of focused-content and custom gene expression products and services.
6. The design, testing, manufacture, and use of the DASL™ assay.
7. The design, testing, manufacture, and use of Array Matrix products.
8. The design, testing, manufacture, and use of BeadChip products.
9. The design, testing, manufacture, and use of the BeadArray™ Reader.
10. The design, testing, manufacture, and use of the BeadStation 500G, BeadStation 500X, and BeadStation 500GX systems.
11. The design, testing, manufacture, and use of the BeadLab systems.

12. The design, testing, manufacture, and use of software used with any of the products or systems described in Topics 1-11.

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2005, I electronically filed the foregoing document using CM/ECF which will send notification of such filing(s) to the following:

Richard K. Herrmann
Morris, James, Hitchens & Williams LLP

I also certify that copies were caused to be served on December 22, 2005 upon the following in the manner indicated:

BY HAND

Richard K. Herrmann
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BY FEDERAL EXPRESS

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